G R S App F IX 4]

Previous References

1942.

(ML)

File No Lb 120-42

Serial Nos 16, 17, 35-

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for August 42

SUBJECT

leasing of certain vegetable stalls in the city market.

To,

The Chamarajpet, Bangalore City

L 2118 dt 19-8-42

Stating that Govt cannot interfere in the matter.

The Municipal Commissioner, Bangalore City

L 2119 dt 19-8-42

forwarding a copy.

No. 139 42

General and Revenue Secretariat

7975/L

Mil File No of 194/42

[App F III-2

Serial No

Petition Dy 18-6 42 from Channappa, Vegetable dealer in the city Mkt Praying that he may be placed in possession of the stall on the cst Market for which he has paid Rs 150/- in the shape of rent etc

Minutes of the Minister, L S G on the Petn

1) "A report in the matter may be called for from the Mil Commr"

2) Sent with a memo on the Petn Calling for a report with the records

Mil 24/6/42

3) Done 24/6/42

Issued No L/1913 Dy 24 6 42 to the Mil Commr Bangalore by Mil Cursier

From The Mil Commr, Bcity, this No No A3.513/39-40 Dy 20-7-42. Forwards the report called for.

DMSA 26/6 cc

NOTE—Cont Sheet

WD 041 5—GPB— 000—25 10 41

PT-O

79750 478

General and Revenue Secretariat — File No — of 1941-42 — [App F III-2

Serial No

The facts of the case are as follows -

(a) One Chennappa was the registered lessee of the vegetable stalls No 45 and 44A in the City New Market During June 1939, the stalls in the Market were remodelled and renumbered . Accordingly, Chennappa's stall were given new numbers viz , 89 and 91 respectively The usual deposit of two months' rent in advance was also taken from him in respect of the above stalls but possession of the latter stall was not given to him immediately .

(b) One Rajamma, lessee of stall No 46(old) adjacent to Chennappa's was allotted stall bearing 90(new) She protested against this allotment on the ground that she was formerly having her stall at the corner, now corresponding to the position of stall No 91, which was otherwise given to Chennappa and that she should have the same corner position and occupied that stall . With a view to arrive at an amicable settlement, notices were issued to both Chennappa and Rajamma to appear before the Revenue Officer . But Chennappa did not appear on the day fixed . It is also stated that Chennappa is in the habit of subletting his shops The Municipal Commissioner during his rounds of inspection of the City Market observed that Rajamma who was given a stall between two stalls of Chennappa viz , Stall Nos 89 and 91 had a grievance and ordered that she might continue to have the

A 11

NOTE—Cont Sheet

the corner shop viz , 91 which was allotted to Chennappa, with the observation that he should be given preference to any other corner shop that might fall vacant in future According~~ly~~ to the Market Byelaws, the Municipal Commissioner has the power to allot the stalls Rule 4 Para 4 of the bye laws states

6 Chennappa submitted a number of petitions to the Municipal~~ity~~ Council and finally he issued notices also to the Municipal Council

7) The Municipal Council at their meeting held on 16th August 1941 resolved that stall No 91 be restored to Chennappa Rajamma also petitioned to the Municipality and she was given an endorsement informing her that the Municipal Council have already resolved to restore stall No 91 to Mr Chennappa and that therefore nothing can be done in the matter and that she will, however, be given a good stall in the market if one falls vacant Before the resolution of the Municipal Council dated 16th August 1941 could be given effect to, the President wrote a D O on 25th September 1941 to the Municipal Commissioner, requesting that further action may be stayed on their resolution dated 16th August 1941 pending disposal of the question again by the Municipal Council The matter was considered by the Market Committee and the Municipal Council on 5th November 1941 and 27th January 1942 respectively and the Council resolved that the present lessee Rajamma be continued in

"B"

"C"

"D"

"E"

Re leasing of certain Vegetable Stalls in the Bangalore Markets

7975 478

General and Revenue Secretariat

File No 120 of 1941-42-43 [App F III-2

Serial No

-3-

stall No 91 From the above, it is seen, that the same Municipal Council who decided in favour of Chennappa on 16th August 1941 have decided now in favour of Rajamma on 27th January 1942

Submitted for orders

31/7 According to the market-bylaws in force, the decision of the Municipal Council should be final, in all matters connected with the lease of shops, stalls or sittings. Having regard to this bylaw, there does not appear to be any ground for the Govt to interfere in the matter

For personal orders with regard to the Ministers orders at para 1 supra

Law Secy 31/7/42

According to Bye Law No 4 in all matters connected with the leasing & the allotment of the Municipal Council cannot interfere

Secy 1-8-42

Min for L S G

for 1/8/42

Secy, 16/8/42

Draft letter

Asst Secy 6/8/42

LAW DEPT 1942

FROM THE MINISTER FOR L S G & P H Date 2-8-42 No 1163

NOTE—Cont Sheet

W 1 141 — G I D— 5 000— 3 10 41

ml File No 478/2/120 of 1942-43 General and Revenue Secretariat

Serial No

sent with a draft ext for appl.

KHO 15/8 GS

Attnd 15/8/42

35

To Mr Channappa
No Vegetable dealer.
Cff New Market, Bcir
No L 2118 Dt 19-8-42
States that Govt Cannot interfere in the matter

To The ml Comm, Bcir
No L 2119 Dt 19-8-42
forwards a copy of the above

B 23/8

OFFICE OF THE MINISTER FOR L S G & P H
Date 23 JUN 1942
No Q 1334

SECY LAW DEPT 23 JUNE 1942 GOVT OF MYSORE

GEN & REV SECRETARIAT 23 JUNE 1942 L S G

7975/1

Re 120-42-16

The Honourable the Minister for Local-Self Government in Mysore,
Bangalore

Respected Sir,

I, the undersigned, Channappa, Vegetable dealer in the New Market beg to bring the following points for your kind consideration and favourable orders

I was the Lessee of Vegetable Stall Nos 45 and 44 A paying a monthly rent of Rs 1-14-0 a month shop No 45 was in my possession since 1931 and 44-A, since 1934 One peculiarity is that although I was paying rent for both the shops ever since they were allotted to me, shop No.44-A, was not put in my possession I was pressing the Market authorities to give possession and in reply they said that it would be given to me when they would also allocate shops I have so far paid Rs 150/- to shop No 44-A, as rent without actually occupying the shop

During re-allocation after re-modelling the stalls the stalls Nos.45 and 44-A, which were in my name was given fresh numbers as 89 and 91 In the usual course these two shops must necessarily be given to me Stall No 89 is occupied by a third party, but as regards shop No.91, for which also I am the lessee since 1934 two months deposit at the enhanced rate of Rs 3-8-0 per month have been recovered from me Vide Receipt No 436 dated 7-7-1939 and possession was not given to me. The Market authorities told that they would get it vacated and hand it over to me early

I waited for a long time, but in vain I then again preferred an appeal to the Municipal Commissioner for passing orders to give me the possession of No.91 To my disappointment and astonishment I received an endorsement No 377/38-39 by the Revenue Officer, that my request cannot be complied with and that I will be given a corner shop when falls vacant

On appealing to the Municipal Council against the decision of the Municipal Commissioner the Council - decided at its Meeting on 16-8-41 that the stall No 91 be restored to me and I was accordingly informed by the Commissioner on 11-9-1941 Vide his endorsement D8 - P.P. 43 dated 40-41

The party to whom it was allotted was also informed accordingly Inspite of these endorsements issued by the Commissioner, I was not however put in - possessionoof the stall

Meanwhile on the petition of the other party, the Market Committee decided that the said stall be continued in the name of Rajamma, the other party and ignored the previous resolution of the Council in this behalf.

This resolution came up before the Council on 17-1-1942 and the Council also went back on its resolution of 16-8-41 and decided to allot the shop No.91 to Rajamma alone and thus the very Council which had decided in my favour on its merits decided now in favour of Rajamma

I therefore appeal to you as the highest authority in the field of Local-Self-Government to render me justice which I have been denied by the Council All my repre sentations to it has remained un-redressed.

I request you, Sir to be pleased to call for the papers and peruse them to convince your goodself of the justice of my claims and to pass favourable orders thereon

Trusting, Sir, in your high sense of justice and equity

I beg to remain,
Sir,
your obedient servant,

Bangalore,
18-6-42

Memo no L 11913 dt 24/6/42

Forwarded with Compliments to the Municipal Commissioner, Bangalore City, through the President, for favour of a report with the connected records

Received by Post

CITY MUNICIPAL OFFICE
BANGALORE
21 JUN 1942
14662
No. A3-Jun 25/6

By order

for secy to Govt
Law Deptt
24/6

BANGALORE CITY MUNICIPALITY

No A3 513/39-40

Encl One file

MUNICIPAL OFFICES

Bangalore 14th July, 1942

120-42-17 478/L

From

ABDUL AZIZ KHAN Esq B A
MUNICIPAL COMMISSIONER,
BANGALORE CITY

21 JULY 1942 L S G BRANCH

To

C Narayanaswamy Naidu, Esq , B A , B L ,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
LAW DEPARTMENT, BANGALORE

SECY LAW DEPT 21 JULY 1942 GOVT OF MYSORE

SIR,

With reference to your letter No L 11913 dated 24-6-42 calling for a report on the representation of one, Chennappa, with regard to his claim for stall No 91, City Market, I have the honour to state as follows -

Chennappa was the registered licensee of Vegetable stall No 45 and 44A, City Central Market, Bangalore. During June 1939, these stalls were re-modelled and re-numbered, consequent to the changes in the dimensions of the stalls, with the result that Chennappa's stalls, originally bearing Nos 45 and 44A were given new Nos 89 and 91 The usual deposit of two months' rent in advance, was taken in respect of the above stalls, but the possession of the latter shop was not given to him immediately

One, Rajamma, was the licensee of stall No 46, adjacent to Chennappa's stall No 45 (Old Nos) Consequent on the above changes, she was allotted stall bearing New No 90, corresponding to the Old No 46 She protested against this allotment on the ground that she was formerly having her stall at the corner, now corresponding to the position of stall No 91, which was otherwise given to Chennappa and that she should have the same corner position and occupied that stall With a view to arrive at an amicable decision, an opportunity was given to Chennappa, by giving notice to both the parties to appear before the Revenue Officer, but Chennappa did not turn up It was also reported that Chennappa was in the habit of subletting the stalls The then Municipal Commissioner, during his rounds of inspection of City Market, observed that Rajamma who was given a stall between two stalls of Chennappa viz stall Nos 89 and 91 had a grievance It was therefore, ordered that she might continue to have the corner shop viz 91 which was allotted to Chennappa with the observation that he should be given preference to any other corner shop that might fall vacant in future The then Market Bye-law, vide clause 5, extract of which is noted below for reference empowered the Commissioner (the executive powers of the President being exercised by the Commissioner) with the right of disposal of such shops

> "5 The President may let the use of any shop or stall or sitting in a public market for a period of not less than three months and not more than 12 months either by auction or by prescribing a monthly rent, subject to such conditions as may seem necessary "

Chennappa then began to submit a number of petitions urging for the restoration of the very same stall which was given to Rajamma Finally he issued a notice to the Municipality through his advocate requesting for the restoration of the stall in question He was replied that the stall had been otherwise disposed off, after considering all the facts and circumstances of the case

On 16-8-41, the Municipal Council interfered and resolved that the above stall, viz , No 91, be restored to Chennappa Before the resolution could be given effect to, the Honorary President wrote a D.O. letter on 25-9-41 to the Commissioner requesting that further action may be stayed on their resolution dated 16-8-41 pending disposal of the question again by the Municipal Council. The matter was considered by the Market Committee who at their meeting held on 5-11-41, resolved that the present lessee, Rajamma alone be continued in the said shop and this resolution was approved by the Council at their meeting held on 27-1-42. It may thus be seen that the shop for which Chennappa has been contesting all the while has been allotted to Rajamma and she is already in possession of it

The connected file of records is enclosed for reference and return when done with

I have the honour to be,

Sir,

Forwarded with compliments Your most obedient servant,

K Hanumanthaiya

Honorary President

Municipal Commissioner

mlt

Appendix F G —1

SUBJECT

Section ML

File No 120.42

Serial No 35

Diary No of letter replied to L 2118

General and Revenue Secretariat

( )

the *194*

No Endt granted

To Mr Channappa,
Vegetable dealer
City New Market,
Bangalore

Date of issue 19 8 42

Signed by M R Rao

with reference to his
petn dy 18-6-42 praying that
he may be placed in possession
of the stall No 91 in the
City New Market, Mr Channappa
is informed that as the
decision of the ML Ch is final
in all matters connected with
the lease of shops etc, under
Bye Law No 4 of the Bye Laws
regulating the Markets
in the City the Govt cannot
interfere in the matter

List of enclosures

Copied by for

Examined by

By order

Sd/-

for Secy to Govt

19/8 Rev Depot

WD 04161—GPB—60 000—24 10 41

Q P-O

Memo No. —

I am to forward herewith
with compliments & the usual
Acknowledgement the Bill
with reference to his letter no
AD.513/31-40 dt 20-7-42.

The receipt accompany

Yours
faithfully
for Secretary
(Civil Depot)

Received
24/9/42